

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

**RULE 37 CASE NO. 0276999
STATUS NO. 742691
DISTRICT 05**

**APPLICATION OF XTO ENERGY, INC., FOR A RULE 37 EXCEPTION FOR THE EDEN
SOUTHEAST UNIT, WELL NO. 4H, NEWARK, EAST (BARNETT SHALE) FIELD,
TARRANT COUNTY, TEXAS**

FINAL ORDER NUNC PRO TUNC

The Commission finds that, after statutory notice in the above-numbered docket, heard on August 23, 2012, the examiners have made and filed a report and proposal for decision containing findings of fact and conclusions of law, which was served on all parties of record, and that this proceeding was duly submitted to the Railroad Commission of Texas at conference held in its offices in Austin, Texas.

The Commission, after review and due consideration of the proposal for decision and the findings of fact and conclusions of law contained therein, and any exceptions and replies thereto, hereby adopts as its own the findings of fact and conclusions of law contained therein, and incorporates said findings of fact and conclusions of law as if fully set out and separately stated herein.

The Commission further finds that the previous order entered on March 26, 2013 contained clerical errors and should be corrected, *nunc pro tunc*, as to penetration point, upper and lower perforation and terminus.

Therefore, it is **ORDERED** by the Railroad Commission of Texas that the application of XTO Energy, Inc., for an exception permit under the provisions of Statewide Rule 37 for the Eden Southeast Unit, Well No. 4H, in the Newark, East (Barnett Shale) Field be and is hereby **APPROVED** at the following locations in the Grimmitt, W Survey, A-600, Tarrant County, Texas:

SURFACE LOCATION:

648 feet from the west (off lease) line and 170 feet from the south (off lease) line of the Unit, and 648 feet from the west line and 170 feet from the south line of the Grimmitt, W survey.

PENETRATION POINT LOCATION:

306 feet from the north line and 101 feet from the west line of the Unit.

UPPER PERFORATION:

690 feet from the north line and 1015 feet from the west line of the Unit.

LOWER PERFORATION:

658 feet from the south line and 1097 feet from the west line of the Unit.

TERMINUS LOCATION:

608 feet from the south line and 1097 feet from the west line of the Unit, and 1096 feet from the west line and 608 feet from the south line of the Wheatly, D B survey.

CONDITIONS

1. **Fresh Water Sand Protection.** The operator must set and cement sufficient surface casing to protect all usable-quality water as defined by the Texas Commission On Environmental Quality. Before drilling a well, the operator must obtain a letter from the Texas Commission On Environmental Quality stating the depth to which water needs protection. Write: Texas Commission On Environmental Quality, Surface Casing, P. O. Box 13087, Capitol Station, Austin, Texas 78711-3087. File a copy of the Texas Commission On Environmental Quality letter with the appropriate district office.
2. **Permit at Drilling Site.** A copy of the Form W-1 (Drilling Permit Application), the location plat, a copy of Statewide Rule 13 alternate surface casing setting depth approval from the district office, if applicable, and this drilling permit must be kept at the permitted well site throughout the drilling operations.
3. **Notification of Setting Casing.** The operator MUST call in notification to the appropriate district office a minimum of eight (8) hours prior to the setting of surface casing, intermediate casing, AND production casing. The individual giving notification MUST be able to advise the district office of the docket number.

4. **Producing Well.** Statewide Rule 16 requires that the operator submit a Form W-2 (oil well) or Form G-1 (gas well) to the appropriate Commission district office within thirty (30) days after completion of such well. Completion of the well in a field authorized by this order voids the order for all other fields included in the order unless the operator indicates on the initial completion report that the well is to be a dual or multiple completion and promptly submits an application for multiple completion. All zones are required to be completed before the expiration date of this order.
5. **Dry or Noncommercial Hole.** Statewide Rule 14(b)(2) prohibits suspension of operations on each dry or noncommercial well without plugging unless the hole is cased and the casing is cemented in compliance with Commission rules. If properly cased, Statewide Rule 14(b)(2) requires that plugging operations must begin within a period of one (1) year after drilling or operations have ceased. Plugging operations must proceed with due diligence until completed. An extension to the one year plugging requirement may be granted under the provisions stated in Statewide Rule 14(b)(2).
6. **Intention to Plug.** The operator must file a Form W-3A (Notice of Intention to Plug and Abandon) with the district office at least five (5) days prior to beginning plugging operations. If, however, a drilling rig is already at work on location and ready to begin plugging operations, the district director or the director's delegate may waive this requirement upon request, and verbally approve the proposed plugging procedures.
7. **Notification of Plugging a Dry Hole.** The operator **MUST** call to notify the appropriate district office a minimum of four (4) hours prior to beginning plugging operations. The individual giving notification **MUST** be able to advise the district office of the docket number and all water protection depths for that location as stated in the Texas Commission On Environmental Quality letter.
8. **Plugged Wells.** Should this well ever be plugged and abandoned, the Commission will consider such plugging and abandonment as prima facie evidence that production from said well is no longer necessary to prevent confiscation of applicant's property or to prevent waste; and upon such plugging and abandonment, the authority for such well as granted under this permit shall cease.
9. **Permit Expiration.** This permit expires two (2) years from the date this order becomes administratively final, unless actual drilling operations have begun. The permit period will not be extended.

Each exception to the examiners' proposal for decision not expressly granted herein is overruled. All requested findings of fact and conclusions of law which are not expressly adopted herein are denied. All pending motions and requests for relief not previously granted or granted herein are denied.

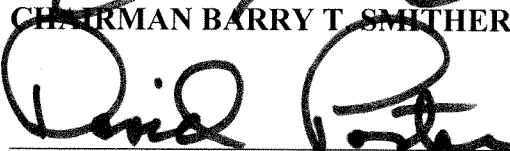
It is further **ORDERED** by the Commission that this order shall not be final and effective until 20 days after a party is notified of the Commission's order. A party is presumed to have been notified of the Commission's order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this order shall not become final and effective until such motion is overruled, or if such motion is granted, this order shall be subject to further action by the Commission. Pursuant to TEX. GOV'T CODE §2001.146(e), the time allotted for Commission action on a motion for rehearing in this case prior to its being overruled by operation of law, is hereby extended until 90 days from the date the parties are notified of the order.

Done this 9th day of April, 2013.

RAILROAD COMMISSION OF TEXAS



CHAIRMAN BARRY T. SMITHERMAN



COMMISSIONER DAVID PORTER



COMMISSIONER CHRISTI CRADDICK

ATTEST:




SECRETARY